



McDonnell Boehnen Hulbert & Berghoff
Law Offices

Fax transmittal

To Group 3762 Director

Date October 3, 2002

Company USPTO

Fax 1-703-872-9302

Phone

Pages, *54*
with cover

Re Serial No. 10/075,676

From Thomas A Fairhall

Direct 360 379 6514

Email fairhall@mbhb.com

C/M

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OCT 03 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 02-004)

PATENT

In the Application of:

Dirk Wiechmann et al.

Serial No.: 10/075,676

Filed: February 13, 2002

For: Modular System for Customized Orthodontic
Appliance

Group Art Unit 3762

TRANSMITTAL LETTER

Assistant Commissioner of Patents
Washington DC 20231

In regard to the above identified application:

1. We are transmitting herewith the attached :

1. Request for Withdrawal as Attorney
2. Return postcard

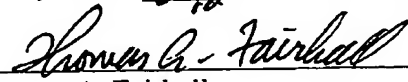
2. With respect to additional fees:

A. ☒ No additional fee is required.B. ☐ Attached is a check in the amount of \$ _____.C. ☐ Charge the total additional fee of \$ _____ to our Deposit Account No.
13-2490.

3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490.
A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.08:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being transmitted via Facsimile to Technology Center 3762, Assistant Commissioner for Patents, Washington, D.C. 20231, on this 3rd day of October, 2002.

By:


Thomas A. Fairhall
Reg. No. 34591

UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 02-004)

PATENT

In the Application of:)	
)	
Dirk Wiechmann et al.)	Group Art Unit 3762
)	
Serial No.: 10/075,676)	
)	
Filed: February 13, 2002)	
)	
For: Modular System for Customized Orthodontic)	
Appliance)	
)	

REQUEST FOR WITHDRAWAL AS ATTORNEY
under 37 C.F.R. 10.40 (c) (2) and (6)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned principal attorney of record, on behalf of himself and on behalf of all the other attorneys and agents of record (all now or previously with the law firm of McDonnell Boehnen Hulbert & Berghoff) hereby applies to withdraw as attorneys or agents of record in the above-identified patent application. This request is submitted under 37 C.F.R. § 10.40 c) (2) and (6).

The reasons for the request are as follows: the attorneys of record are placed in a position of potential conflict of interest and violation of Rule 10.66 (refusing to accept or continue employment if the interests of another client may impair the independent professional judgment of the practitioner).

This application was prepared and filed by the undersigned with the approval and consent of two parties, T.O.P. Service fur Lingualtechnik GmbH (employer of inventors

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

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Paehl and Wiechmann) and OraMetrix, Inc. (the employer of inventors Wiese and Rubbert). The parties executed a letter of intent in December 2001 regarding the subject matter of this patent application, wherein the parties shared a common view regarding assignment of the patent and licensing of exclusive rights in the subject matter of this patent application.

Relatively recently, the interests of T.O.P and OraMetrix have diverged and they no longer share a common view regarding the ownership and licensing of the subject patent. In view of the above, the undersigned and the other attorneys of record cannot continue as attorney of record without possible violation of paragraphs (b) and (c) of Rule 10.66.

The undersigned has written to both T.O.P. and OraMetrix regarding the undersigned's desire to avoid a possible conflict of interest. At this time, the parties have not given the undersigned their written consent to continue representation in this matter and their commitment to speak with one voice regarding the ownership and licensing of the subject patent application.

In view of the above, withdrawal as attorneys of record is requested.

The Office is advised of the current mailing address of T.O.P and OraMetrix:

OraMetrix, Inc.
12740 Hillcrest Road, Suite 100
Dallas, Texas 75230

T.O.P. Service für Lingualtechnik GmbH
Lindenstraße 44
49152 Bad Essen Germany

Respectfully submitted.

McDonnell Boehnen Hulbert & Berghoff

Date:

10/3/02

By:

Thomas A. Fairhall

Thomas A. Fairhall

Reg. No. 34591

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that the foregoing REQUEST FOR WITHDRAWAL AS ATTORNEY under 35 C.F.R. 10.40 (c) (2) and (6) is being faxed to Technology Center 3762, Assistant Commissioner for Patents, D.C. 20231, fax no. 1-703-872-9302, on this 3 day of October, 2002.

Thomas A. Fairhall

Thomas A. Fairhall